

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

NICOLASA BERRIOS RIVERA

DEBTOR

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CASE NO. 09-01887-BKT

CHAPTER 13

MOTION AND NOTICE OF FILING OF POST-CONFIRMATION
MODIFICATION OF CHAPTER 13 PLAN

TO THE HONORABLE COURT:

NOW COMES, NICOLASA BERRIOS RIVERA through the undersigned attorney, and very respectfully states and prays as follows:

1. Debtor is hereby submitting a Post-confirmation Modification of Chapter 13 Plan, dated October 25, 2011, herewith and attached to this motion.

2. Debtor has admittedly accumulated arrears with the Chapter 13 Trustee, as a result of health problems suffered during the past months that required extraordinary medical expenses. Due to this situation, debtor needs to reduce the Plan base within her budget that would allow her to complete the Chapter 13 payment Plan.

NOTICE

Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

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Motion and notice of filing of post-confirmation

Modification of chapter 13 plan

I CERTIFY that on this same date a copy of this notice was sent via electronically with the Clerk of the Court using CM/ECF systems which will send notifications of such to the Chapter 13 Trustee; and also certify that I have mailed by United States Postal Service copy of this motion to the following non CM/ECF participants: debtor, Nicolasa Berrios Rivera; and to all creditors and parties in interest in the present case.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 25th day of October, 2011.

/s/ Roberto Figueroa Carrasquillo

USDC #203614

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United States Bankruptcy Court
District of Puerto Rico

IN RE:

Case No. **09-01887-13**

BERRIOS RIVERA, NICOLASA

Chapter **13**

Debtor(s)

CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: 10/25/2011		<input type="checkbox"/> AMENDED PLAN DATED: _____	
<input type="checkbox"/> PRE <input checked="" type="checkbox"/> POST-CONFIRMATION		Filed by: <input type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other	
I. PAYMENT PLAN SCHEDULE		II. DISBURSEMENT SCHEDULE	
$\$ 150.00 \times 11 = \$ 1,650.00$		A. ADEQUATE PROTECTION PAYMENTS OR _____ \$ _____	
$\$ 0.00 \times 6 = \$ 0.00$		B. SECURED CLAIMS:	
$\$ 150.00 \times 7 = \$ 1,050.00$		<input type="checkbox"/> Debtor represents no secured claims.	
$\$ 0.00 \times 7 = \$ 0.00$		<input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows:	
$\$ 150.00 \times 29 = \$ 4,350.00$		1. <input type="checkbox"/> Trustee pays secured ARREARS:	
TOTAL: \$ 7,050.00		Cr. _____ Cr. _____ Cr. _____	
Additional Payments:		# _____ # _____ # _____	
\$ _____ to be paid as a LUMP SUM		\$ _____ \$ _____ \$ _____	
within _____ with proceeds to come from:		2. <input checked="" type="checkbox"/> Trustee pays IN FULL Secured Claims:	
<input type="checkbox"/> Sale of Property identified as follows:		Cr. MUEBLERIA BERRIO Cr. _____ Cr. _____	
<input type="checkbox"/> Other:		# 2304639707 # _____ # _____	
Periodic Payments to be made other than, and in		\$ 2,929.42 \$ _____ \$ _____	
addition to the above:		3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL:	
\$ _____ x _____ = \$ _____		Cr. _____ Cr. _____ Cr. _____	
PROPOSED BASE: \$ 7,050.00		# _____ # _____ # _____	
III. ATTORNEY'S FEES		\$ _____ \$ _____ \$ _____	
(Treated as § 507 Priorities)		4. <input type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder:	
Outstanding balance as per Rule 2016(b) Fee		5. <input type="checkbox"/> Other: _____	
Disclosure Statement: \$ 2,454.00		6. <input type="checkbox"/> Debtor otherwise maintains regular payments directly to: _____	
Signed: /s/ NICOLASA BERRIOS RIVERA		C. PRIORITIES: The Trustee shall pay priorities in accordance with the law.	
Debtor		11 U.S.C. § 507 and § 1322(a)(2)	
Joint Debtor		D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims.	
		1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____	
		<input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____	
		Cr. _____ Cr. _____ Cr. _____	
		# _____ # _____ # _____	
		\$ _____ \$ _____ \$ _____	
		2. Unsecured Claims otherwise receive PRO-RATA disbursements.	
		OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.)	
		The Debtor consents to the modification of the automatic stay in favor of Banco	
		Popular de PR for Loss Mitigation purposes only.	
		Debtor(s) to provide ADEQUATE PROTECTION PAYMENTS to Muebleria Berrios	
		thru the Trustee in the sum \$30.00 per month for the next eight months or until	
		confirmation.	
		*Or as otherwise specified on proof of claim.	
		Late filed claims filed by creditors will receive no distribution.	
		"Surrenders collateral": Shares/savings in any Cooperativa/Association/Bank.	
		Debtor reserves the right to object claims after plan confirmation.	

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